IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 21ST AUGUST 2007 / 30TH SRAVANA 1929

WP(C).No. 15734 of 2006(W)

PETITIONER:

C.P.RAVIKUMAR,
ADVOCATE, `ASWATHI', DESHABHIMANI ROAD,
KALOOR, KOCHI-682 017.

BY ADV. SRI.R.DIVAKARAN

RESPONDENTS:

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1. STATE OF KERALA, REP. BY THE
SECRETARY, DEPARTMENT OF LAW,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. UNION OF INDIA, REP. BY THE SECRETARY,
MINISTRY OF LAW, JUSTICE & COMPANY AFFAIRS,
CENTRAL SECRETARIAT, NEW DELHI.

BY ADV. SRI.S.ABILASH, CGC
GOVERNMENT PLEADER SRI. BASANT BALAJI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)NO.15734/06

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF THE CERTIFICATE OF PRACTICE ISSUED BY THE RESPONDENT DT. 4.10.99.

EXT.P2: TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENT DT. 2.9.02.

EXT.P3: TRUE COPY OF THE ORDER DT. 7.6.03 PASSED BY THE RESPONDENT.

EXT.P4: TRUE COPY OF THE GOVERNMENT NOTIFICATION PASSED BY THE RESPONDENT.

EXT.P5: TRUE COPY OF THE JUDGMENT IN W.P.(C)nO.25481/03 DT. 28.11.2005.

TRUE COPY

PA TO JUDGE.

S. SIRI JAGAN, J.

W.P.(C)NO.15734 OF 2006

DATED THIS THE 21st DAY OF AUGUST, 2007

JUDGMENT

The petitioner is an Advocate. He was appointed as Notary under the Notaries Act from 14.9.1993. His certificate to practice as a Notary was being renewed from time to time. Anticipating expiry of the current term on 14.9.02, he submitted an application for renewal on 2.9.02, which was rejected by Exts.P3 and P4 on the ground that such renewal would violate the rule which fixed the total number of Notaries, who can be appointed under the Notaries Act and Rules. The petitioner challenges Exts.P3 and P4.

2. I have heard the learned Government pleader also. The learned Government pleader points out that the petitioner himself has, in the original petition, stated that he had challenged Exts.P3 and P4 before this Court unsuccessfully earlier, the number of which is stated in the affidavit accompanying the writ petition as W.P.(C)No.24303/03 and therefore, he cannot file this writ petition for the same relief as in that writ petition.

3. The petitioner has filed this writ petition apparently on the basis of Ext.P5 judgment, which was subsequently rendered by a

learned Single Judge of this Court holding that the restriction on the number of Notaries shall not affect the right to get renewal of the certificates of practice of already existing Notaries.

After hearing, I feel that even assuming the petitioner has a good case, he cannot be allowed to file another writ petition on the same cause of action after being unsuccessful in earlier writ petition filed for the same relief. If the petitioner has got a case that on account of subsequent change of law, he has become entitled to any relief, the remedy of the petitioner is to file a writ appeal against the earlier judgment raising those contentions and not to file a fresh writ petition on the same cause of action. In view of the said position, this writ petition is without any merits and accordingly, the same is dismissed.

S. SIRI JAGAN, JUDGE

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